

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 1

## Selection Criteria

Clie.Selection      Include: Baten, Oscar

Nickname      Baten, Oscar | 303  
Full Name

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
6/6/2016	David N.	325.00	1.10	357.50	Billable
15456	Conference Initial meeting with Oscar Baten to discuss potential case against Caliente Cab Co.				
6/9/2016	David N.	325.00	2.50	812.50	Billable
15457	Research Research defendants and begin drafting complaint				
6/10/2016	David S.	400.00	0.60	240.00	Billable
13492	Draft Review/edit/modify David Nieporent's draft complaint.				
6/10/2016	David N.	325.00	1.70	552.50	Billable
15458	Draft Finalize complaint				
7/18/2016	David S.	400.00	0.10	40.00	Billable
13712	Conference Telephone conference with opposing counsel re: request for extension of time to answer complaint and stipulation in regard thereto.				
7/19/2016	David S.	400.00	0.10	40.00	Billable
13725	Correspondence Telephone message from, and email from and to, opposing counsel re: request for extension of time to answer complaint and acceptance of service on behalf of defendants.				
7/21/2016	David S.	400.00	0.20	80.00	Billable
13733	Correspondence Review/edit/modify opposing counsel's proposed stipulation extending time to answer the complaint (.1); email to opposing counsel re: the foregoing (.1).				
7/27/2016	David S.	400.00	0.20	80.00	Billable
13793	Review Review/analyze affidavits of service on defendants East 33rd Street Restaurant and Anthony Brasco (.1); email from and to opposing counsel re: stipulation extending time for defendants to answer the complaint (.1).				
7/27/2016	David S.	125.00	0.10	12.50	Billable
13794	Draft Filing via ECF affidavits of service on defendants East 33rd Street Restaurant and Anthony Brasco.				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 2

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
8/18/2016	David S.	400.00	1.30	520.00	Billable
13932	Draft Drafting/preparing initial draft of joint letter for Judge <b>Schofield</b> in preparation for Aug. 31 initial conference (.9); preparing initial draft of case management plan (.4).				
8/19/2016	David S.	400.00	0.10	40.00	Billable
13939	Correspondence Email to opposing <b>counsel</b> re: pre-initial conference proposed joint letter and case management plan.				
8/23/2016	David S.	400.00	0.30	120.00	Billable
13962	Correspondence Emails to and from opposing <b>counsel</b> , and telephone conference with opposing counsel's associate, re: status of joint letter and proposed case management plan (.2); review opposing counsel's proposed additions to joint letter (.1).				
8/24/2016	David S.	400.00	0.30	120.00	Billable
13967	Correspondence Finalizing joint pre-initial conference letter to Judge <b>Schofield</b> (.1); emails to and from opposing <b>counsel</b> re: the foregoing (.2).				
8/24/2016	David S.	125.00	0.10	12.50	Billable
13968	Draft Filing via ECF joint pre-initial conference letter to Judge <b>Schofield</b> and proposed case management plan.				
8/30/2016	David S.	400.00	0.60	240.00	Billable
14000	File Review Conduct file review in preparation for tomorrow's initial conference before Judge <b>Schofield</b> .				
8/31/2016	David S.	400.00	0.40	160.00	Billable
14001	Court Court appearance before Judge <b>Schofield</b> re: initial conference (including .2 spent waiting in the courtroom for case to be called).				
8/31/2016	David S.	200.00	1.00	200.00	Billable
14002	Court Travel time to and from Southern District re: initial conference before Judge <b>Schofield</b> (BILLED AT HALF-TIME).				
9/6/2016	David S.	400.00	0.30	120.00	Billable
14027	Correspondence Email from and to opposing <b>counsel</b> re: his request to extend deadline to stipulate to collective action and plaintiff's settlement demand (.2); email from and to opposing <b>counsel</b> re: his proposed letter to Judge <b>Schofield</b> re: request for extension of date by which to stipulate to collective action, and review of foregoing letter (.1).				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 3

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
9/12/2016	David S.	400.00	0.10	40.00	Billable
14063	Correspondence Emails to and from opposing <b>counsel</b> re: whether defendants will be stipulating to collective action and defendants' response to plaintiff's settlement demand.				
9/13/2016	David S.	400.00	0.40	160.00	Billable
14076	Conference Telephone conference with opposing <b>counsel</b> re: defendants' calculation of damages, assumptions made in regard thereto, defendants' settlement offer, and whether defendants will stipulate to collective certification (.3); email to and from opposing <b>counsel</b> re: when defendant <b>Brasco</b> sold the restaurant and spreadsheet of defendants' calculation of damages (.1).				
9/14/2016	David S.	400.00	0.50	200.00	Billable
14083	Conference Two telephone conferences with, and telephone message from, opposing <b>counsel</b> re: defendants' unwillingness to stipulate to collective certification proposed briefing schedule, and defendants' settlement offer of yesterday (.3); email to opposing <b>counsel</b> re: to what defendants would agree to stipulate in regard to collective certification (.1); emails from and to opposing <b>counsel</b> re: letter to Judge <b>Schofield</b> re: briefing schedule and review of aforementioned letter (.1).				
9/16/2016	David S.	400.00	0.10	40.00	Billable
14111	Correspondence Email to opposing <b>counsel</b> re: plaintiff's discovery demands to defendants, Rule 26 disclosures, and letter in regard to the foregoing.				
9/16/2016	David N.	325.00	1.90	617.50	Billable
15459	Review Review file and draft requests for admission, requests for documents, and interrogatories for service on defendants; prepare Rule 26 disclosures				
9/19/2016	David S.	400.00	0.70	280.00	Billable
14115	Conference In-person conference with client, with the assistance of Spanish interpreter, re: defendants' Sept. 13 settlement offer, client's rejection thereof, intention to move for collective certification, and his knowledge about how other back-of-the-house employees were paid (.6); email to opposing <b>counsel</b> re: client's rejection of defendants' settlement offer (.1).				
9/20/2016	David S.	400.00	0.10	40.00	Billable
14132	Correspondence Email from and to opposing <b>counsel</b> re: possible resolution.				
9/27/2016	David S.	400.00	0.30	120.00	Billable
14216	Conference Telephone message from and for, and subsequent telephone conference with, opposing <b>counsel</b> re: case and possible early resolution.				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 4

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/6/2016	David S.	400.00	0.10	40.00	Billable
	14273 Conference Emails from and to, and telephone message from and for, opposing <b>counsel</b> re: scheduling telephone conference to discuss defendants' most recent production of documents.				
10/7/2016	David S.	400.00	0.10	40.00	Billable
	14294 Conference Telephone message from, and subsequent telephone conference with, opposing <b>counsel</b> re: whether we have had an opportunity to review additional records that he provided to us.				
10/10/2016	David S.	400.00	0.10	40.00	Billable
	14302 Correspondence Emails to and from opposing <b>counsel</b> re: request for extension of time to file our motion for collective certification.				
10/14/2016	David N.	325.00	2.30	747.50	Billable
	15460 Conference Prepare client declaration for collective action (.8); meet with client to review declaration, defendants' document production, and defendants' discovery demands (1.5)				
10/21/2016	David N.	325.00	4.20	1,365.00	Billable
	15461 Draft Review file and prepare discovery responses to defendants' requests for documents and interrogatories; meeting with potential opt-in client Fernando Baten				
10/24/2016	David N.	325.00	2.10	682.50	Billable
	15462 Review Review defendants' responses to discovery				
10/26/2016	David S.	400.00	0.10	40.00	Billable
	14396 Conference Telephone conference with opposing <b>counsel</b> re: new plaintiff's wanting to join the case and, therefore, our inability to settle the case at this time.				
10/26/2016	David S.	125.00	0.10	12.50	Billable
	14397 Draft Filing via ECF consent to sue on behalf of opt-in Fernando Baten.				
10/28/2016	David N.	325.00	1.60	520.00	Billable
	15463 Prep Pleadings Prepare motion for collective certification and all supporting papers				
11/2/2016	David S.	400.00	0.20	80.00	Billable
	14522 Correspondence Emails from and to opposing <b>counsel</b> re: his request for extension of collective action motion briefing schedule and our concern about the discovery end date and the judge's statement that she would not extend that.				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 5

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
11/3/2016	David S. 14533 Correspondence Emails from and to opposing <b>counsel</b> re: his request for extension of time to file opposition to motion for collective certification and due date for our reply papers.	400.00	0.10	40.00	Billable
11/7/2016	David S. 14542 Correspondence Email to opposing <b>counsel</b> re: his writing to the judge to request modified briefing schedule.	400.00	0.10	40.00	Billable
11/9/2016	David S. 14555 Correspondence Review of letter filed by opposing <b>counsel</b> to Judge <b>Schofield</b> re: modified briefing schedule for opposition and reply for motion for collective certification (.1). emails to and from opposing <b>counsel</b> re: mistake that he made in foregoing letter to Judge <b>Schofield</b> , and the need for him to write again to the judge to correct the same (.1).	400.00	0.20	80.00	Billable
11/29/2016	David S. 14654 Draft Filing via <b>ECF</b> reply memorandum of law in support of motion for collective certification.	125.00	0.10	12.50	Billable
11/29/2016	David N. 15464 Prep Pleadings Review defendants' opposition and prepare reply papers in support of collective certification motion	325.00	0.90	292.50	Billable
12/5/2016	David S. 14686 Conference Telephone conference with Judge <b>Schofield's chambers</b> re: providing courtesy copy of fully-briefed motion for collective certification (.1); drafting/preparing letter to Judge <b>Schofield</b> re: the foregoing courtesy copy (.3).	400.00	0.40	160.00	Billable
12/6/2016	David S. 14689 Draft Drafting/preparing notices of deposition for defendants <b>Caliente Cab</b> and <b>Anthony Brasco</b> , as well as letter to opposing <b>counsel</b> re: foregoing notices and responsibilities of 30(b)(6) deponent in regard to preparation for the deposition (.8); email to opposing <b>counsel</b> re: foregoing notices of deposition and letter to opposing counsel (.1).	400.00	0.90	360.00	Billable
12/7/2016	David S. 14710 Correspondence Emails from and to opposing <b>counsel</b> re: deposition notices directed to plaintiffs and our unavailability on the date selected.	400.00	0.10	40.00	Billable

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 6

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
12/8/2016	David N.	325.00	0.90	292.50	Billable
15465	Conference Meeting with client Oscar Baten to prepare him for his deposition				
12/15/2016	David S.	400.00	0.30	120.00	Billable
14761	Correspondence Review/edit/modify David Nieparent's draft response to opposing counsel's letter of yesterday re: objection and clarification prior to deposition of defendants' 30(b)(6) designee (.2); email to opposing counsel re: foregoing responsive letter (.1).				
12/15/2016	David N.	325.00	0.70	227.50	Billable
15466	Conference Meeting with client Fernando Baten to prepare him for his deposition				
12/16/2016	David N.	325.00	3.20	1,040.00	Billable
15467	Preparation Review file and prepare deposition outline				
12/19/2016	David S.	400.00	1.60	640.00	No Charge
14784	Deposition Second chair depositions of defendants Caliente Cab and Brasco.				
12/19/2016	David N.	325.00	2.30	747.50	Billable
15468	Deposition Take deposition of defendants Anthony Bracco and East 33rd Street Restaurant Corp.				
12/21/2016	David S.	400.00	3.30	1,320.00	Billable
14795	Deposition Conduct file review in preparation for depositions of plaintiff Oscar Baten and opt-in Fernando Baten (.7); email to and from opposing counsel re: my being a few minutes late to the depositions (.1); defendant depositions of plaintiff Oscar Baten (2.0) and Fernando Baten (.5).				
1/16/2017	David S.	400.00	0.10	40.00	Billable
14906	Correspondence Email from and to opposing counsel re: whether the parties are interested in participating in a settlement conference.				
1/17/2017	David S.	400.00	0.20	80.00	Billable
14914	Correspondence Emails from and to opposing counsel re: defendants' agreement to participate in a settlement conference, letter in regard thereto, tomorrow's status conference before Judge Schofield and rescheduling the same, and review of aforementioned letter to Judge Schofield.				
1/20/2017	David S.	400.00	1.40	560.00	Billable
14946	Conference Conduct file review in preparation for today's telephone post-discovery status conference with Judge Schofield (.3); post-discovery telephone conference with Judge Schofield (including .7 spent waiting for case to be				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 7

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
	called) (.8); three telephone conferences with Magistrate Judge Francis' law clerk re: possible dates for conducting settlement conference (.2); emails to and from opposing <b>counsel</b> re: the foregoing (.1).				
1/23/2017	David S. 14954 Correspondence Drafting/preparing letters to plaintiff Oscar <b>Baten</b> and opt-in Fernando <b>Baten</b> re: Mar. 1 settlement conference with Magistrate Judge Francis and instructions and details in regard thereto.	400.00	0.40	160.00	Billable
1/24/2017	David S. 14957 Conference In-person conference with plaintiff Oscar <b>Baten</b> and opt-in Fernando <b>Baten</b> , and Spanish interpreter, re: Mar. 1 settlement conference with Magistrate Judge Francis and details and instructions in regard thereto.	400.00	0.30	120.00	Billable
2/14/2017	David S. 15075 Correspondence Emails from and to opposing <b>counsel</b> re: opt-in Fernando <b>Baten's</b> dates of employment and <b>amount of damages</b> owed to him.	400.00	0.10	40.00	Billable
2/27/2017	David N. 15469 Draft Prepare ex parte settlement position statement for Magistrate Judge Francis	325.00	1.80	585.00	Billable
2/28/2017	David S. 15185 Conference Telephone message for and from, emails from and to, telephone and conference with, opposing <b>counsel</b> re: plaintiffs' reduced settlement demand and derivation of calculations in regard thereto.	400.00	0.30	120.00	Billable
3/1/2017	David S. 15191 Court Conduct file review in preparation for today's settlement conference before Magistrate Judge Francis (.9); in-person conference with David Nieporten, Esq., in preparation for today's settlement conference (.3); court appearance before Magistrate Judge Francis re: settlement conference (2.0); preparing consent to magistrate judge form, and email the same to opposing <b>counsel</b> (.1).	400.00	3.30	1,320.00	Billable
3/1/2017	David S. 15192 Court Travel time to and from Southern District re: court appearance before Magistrate Judge Francis (BILLED AT HALF-TIME).	200.00	1.00	200.00	Billable
3/3/2017	David S. 15200 Correspondence Email from and to opposing <b>counsel</b> re: execution of consent to magistrate judge form.	400.00	0.10	40.00	Billable

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 8

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
3/3/2017	David S.	125.00	0.10	12.50	Billable
15201	Draft Filing via ECF consent to magistrate judge form.				
3/3/2017	David N.	325.00	1.40	455.00	Billable
15470	Draft Prepare first draft of settlement agreement				
3/6/2017	David S.	400.00	0.70	280.00	Billable
15217	Review Review/edit/modify David Nieparent's draft settlement agreement (.6); email to opposing counsel re: settlement agreement (.1).				
3/16/2017	David S.	400.00	0.10	40.00	Billable
15268	Correspondence Emails to and from opposing counsel re: status of his review of the settlement agreement.				
3/22/2017	David S.	400.00	0.10	40.00	Billable
15294	Correspondence Emails to and from opposing counsel re: status of his review of settlement agreement.				
4/3/2017	David S.	400.00	0.40	160.00	Billable
15358	Review Review/edit/modify opposing counsel's proposed changes to the settlement agreement.				
4/4/2017	David S.	400.00	0.30	120.00	Billable
15368	Correspondence Email to opposing counsel re: our review of defendants' proposed changes to settlement agreement (.2); emails from and to M.J. Francis' law clerk re: status of settlement agreement and fairness letter (.1).				
4/6/2017	David S.	400.00	0.50	200.00	Billable
15391	Conference Emails from and to, and telephone conference with, opposing counsel re: final, unresolved term of settlement agreement - due date of initial installment payment (.3); review of opposing counsel's proposed revision to the settlement agreement re: foregoing issue (.1); email to opposing counsel re: final version of settlement agreement (.1).				
4/19/2017	David S.	400.00	0.30	120.00	Billable
15408	Correspondence Emails from and to opposing counsel re: defendants' execution of settlement agreement and refusal to sign confession of judgment at this time.				
4/20/2017	David S.	400.00	0.30	120.00	Billable
15418	Conference Telephone message for, and subsequent telephone conference with, opposing counsel re: defendants' failure to execute confession of judgment				

4/26/2017  
4:28 PMSamuel and Stein  
Fee Submission

Page 9

Baten, Oscar: (continued)

Date ID	Timekeeper Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
(.2); email from and to opposing <b>counsel</b> re: proposed letter to <b>M.J. Francis</b> requesting additional time to file fairness papers, and review of letter in regard thereto (.1).					
4/25/2017	David S. 15453 Correspondence Emails to and from opposing <b>counsel</b> re: status of defendants' execution of confession of judgment.	400.00	0.10	40.00	Billable
4/26/2017	David N. 15471 Draft Prepare fairness letter for court	325.00	1.50	487.50	Billable
TOTAL	Billable Fees No Charge		54.30 1.60	\$18,925.00 \$640.00	
Date ID	Timekeeper Expense	Price Markup %	Quantity	Amount	Total
7/7/2016	David S. 13493 Filing Fee Complaint filing fee.	400.00	1.000	400.00	Billable
7/18/2016	David S. 13792 Service Fee Fee for service of process on defendants East <b>33rd</b> Street Restaurant and Anthony <b>Brasco</b> .	125.00	1.000	125.00	Billable
8/31/2016	David S. 14003 Travel Subway fare to and from Southern District re: initial conference before Judge <b>Schofield</b> .	5.50	1.000	5.50	Billable
12/19/2016	David S. 14900 Depo. Cost Costs for depositions of defendants Anthony <b>Brasco</b> and <b>Caliente</b> Cab.	590.20	1.000	590.20	Billable
3/1/2017	David S. 15193 Travel Subway fare to and from Southern District re: court appearance before Magistrate Judge Francis.	5.50	1.000	5.50	Billable
3/1/2017	David S. 15194 Interpretation/Translation Fee for Spanish interpreter at settlement conference before Magistrate Judge Francis (\$35.00/hr. x <b>2</b> hrs.).	70.00	1.000	70.00	Billable

4/26/2017  
4:28 PM

Samuel and Stein  
Fee Submission

Page 10

Baten, Oscar: (continued)

		Amount	Total
TOTAL	Billable Costs		<u>\$1,196.20</u>
Total of Fees (Time Charges)			<u>\$18,925.00</u>
Total of Costs (Expense Charges)			<u>\$1,196.20</u>
Total new charges			<u>\$20,121.20</u>
New Balance Current		<u>\$20,121.20</u>	
Total New Balance			<u>\$20,121.20</u>